

## HOUSE BILL NO. 591

INTRODUCED BY JOPEK, DOWELL, WEINBERG

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE APPLICABILITY OF LOCAL ZONING REGULATIONS TO SAND AND GRAVEL OPERATIONS AND OPERATIONS THAT MIX CONCRETE OR BATCH ASPHALT; AMENDING SECTION 76-2-209, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 76-2-209, MCA, is amended to read:

**"76-2-209. Effect on natural resources.** (1) Except as provided in 82-4-431, ~~and 82-4-432, and subsection (2) of this section,~~ a resolution or rule adopted pursuant to the provisions of this part, except 76-2-206, may not prevent the complete use, development, or recovery of any mineral, forest, or agricultural resources by the owner ~~thereof of any mineral, forest, or agricultural resource.~~

(2) The complete use, development, or recovery of a mineral by an operation that mines sand and gravel ~~and or an operation that mixes concrete or batches asphalt on a site that is located within a geographic area zoned as residential are subject to the zoning regulations, including any residential zoning regulations, adopted under this chapter~~ MAY BE REASONABLY CONDITIONED OR PROHIBITED ON A SITE THAT IS LOCATED WITHIN A GEOGRAPHIC AREA ZONED AS RESIDENTIAL, AS DEFINED BY THE BOARD OF COUNTY COMMISSIONERS.

(3) ~~Zoning regulations adopted under this chapter may condition the~~ REASONABLY CONDITION, BUT NOT PROHIBIT, THE COMPLETE use, development, or recovery of a mineral by an operation that mines sand and gravel, ~~and may condition an operation that mixes concrete or batches asphalt, on a site that is located within a geographic area with zoning that includes areas zoned as~~ IN ALL ZONES OTHER THAN residential."

**NEW SECTION. Section 2. Effective date.** [This act] is effective on passage and approval.

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